

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FOSTER, ET AL.

v.

USAA CASUALTY INSURANCE CO.

:
:
: CIVIL ACTION
: NO. 10-5755
:
:

SURRICK, J.

DECEMBER 31, 2013

ORDER

AND NOW, this 31st day of December, 2013, upon consideration of Defendant USAA Casualty Insurance Company's Motion for Summary Judgment (ECF No. 20), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Defendant's Motion for Summary Judgment on Plaintiffs' breach of contract claim (Count I) is **GRANTED**;
2. Defendant's Motion for Summary Judgment on Plaintiffs' bad faith claim (Count II) is **GRANTED**;
3. Judgment is entered in favor of Defendant on Plaintiffs' breach of contract claim (Count I) and bad faith claim (Count II);
4. Defendant's counterclaim is **DISMISSED** as moot;
5. This case is **CLOSED**.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK, J.